



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

**WILL WILSON**  
ATTORNEY GENERAL

February 11, 1957

Mr. A. C. Spencer,  
Executive Director,  
Texas State Soil Conservation Board,  
1012 First National Bank Building,  
Temple, Texas.

Opinion No. WW-23

Re: Question Concerning  
Funds Granted to Soil  
Conservation Districts  
under the Provisions  
of H.B. 97, Acts of the  
51st Leg., R.S. 1949,  
Ch. 540, p. 1000.

Dear Mr. Spencer:

In your recent request for an opinion of this office,  
you asked the following question:

"From the standpoint of 'The State of Texas', are  
funds granted to soil conservation districts by the  
State Soil Conservation Board under provisions of Sec.1,  
H.B. 97, Acts of the 51st Legislature considered expended  
when warrants are issued and the money withdrawn from the  
state treasury for deposit in the soil conservation dis-  
trict's local bank?"

House Bill 97, Acts of the 51st Legislature, R. S.  
1949, chapter 540, page 1000, reads in part as follows:

"Section 1. There is hereby appropriated out of  
the General Fund of the State Treasury not otherwise  
appropriated the sum of Two and One-Half Million Dollars  
(\$2,500,000) for the fiscal year ending August 31, 1951,  
to the several soil conservation districts in Texas. A  
soil conservation district shall be eligible to receive  
grants for each period of the biennium after it has been  
duly organized and a Certificate of Organization for the  
district has been approved and signed by the Secretary  
of State. All grants to soil conservation districts  
shall be made by the State Soil Conservation Board based  
on the Board's determination of equity and need of the  
district applying for grant.

"Sec. 2. Approval of all grants to soil conserva-  
tion districts as provided for in this Act, shall be  
certified to the State Comptroller of Public Accounts by  
the State Soil Conservation Board. Such certification

of approval by the State Soil Conservation Board presented to the said Comptroller shall be sufficient authority for the Comptroller to issue his warrants against any appropriations made for grants to soil conservation districts, and shall also be sufficient authority for the State Treasurer to honor payment of such warrants."

". . . ."

"Sec. 5. Any funds granted hereunder to any soil conservation district which shall remain unexpended at the end of the biennium shall revert to the General Fund. Provided, however, that upon the discontinuance of any soil conservation district or its failure to operate, as may be determined by the State Soil Conservation Board, then any funds remaining therein unexpended during the biennium may be reallocated by the State Board to soil conservation districts functioning in the area, upon application of the district to the State Board; and provided, further, that if any organized soil conservation district is dissolved by a vote of the land owners or occupiers for the purpose of adjusting boundary lines and is immediately reorganized by a vote of the land owners or occupiers, any funds or equipment owned by the district prior to such reorganization shall pass to the credit of such district upon such reorganization.

"Sec. 6. Grants to soil conservation districts as provided in this Act, when received by the district, shall be deposited in the name of the district, such deposit shall be with a State or National Bank or banks. Any withdrawal of such funds so deposited to the credit of the district may be withdrawn only on approval of the Board of supervisors of the district. All checks or orders for such withdrawal shall be signed by the chairman and secretary of the board of supervisors of the district."

The Comptroller's office advises us that warrants have been issued for the moneys appropriated by H. B. 97, Acts of the 51st Legislature, and that the proceeds of these warrants have been deposited in local banks in accordance with the provisions of said Act.

Under the above provisions of H.B. 97, Acts of the 51st Legislature, funds are granted to the several soil conservation districts by the State Soil Conservation Board, and these grants of funds are then required to be deposited in the name of the dis-

strict in the local bank or banks. The clear and express language of Section 5, as quoted above, provides that any funds granted to any soil conservation district remaining unexpended at the end of the biennium shall revert to the General Fund. It is therefore our opinion that all funds granted to the several soil conservation districts under the provisions of H. B. 97, Acts of the 51st Legislature, and still unexpended at the end of the biennium reverted to the General Fund, under the express language contained in Section 5. Your question is therefore answered in the negative.

You also inquire as to whether or not it is necessary to request the 55th Legislature to reappropriate the unexpended balances of moneys originally appropriated by H. B. 97. Legislative history reveals that each subsequent session of the Legislature has reappropriated the unexpended balances. H. B. 190, Acts of the 52nd Legislature, 1951, R.S. chapter 497, page 1206, reappropriated the unexpended balance of all sums appropriated by H.B. 97, Acts of the 51st Legislature; House Bill 163, Acts of the 53rd Legislature, 1953, R.S. chapter 332, page 823, reappropriated the unexpended balances of funds appropriated by H. B. 97, Acts of the 51st Legislature and H. B. 190, Acts of the 52nd Legislature, and Section 13 of H. B. 163, Acts of the 53rd Legislature repealed H. B. 97, Acts of the 51st Legislature and H. B. 190, Acts of the 52nd Legislature; House Bill 301, Acts of the 54th Legislature, 1955, chapter 526, page 1626, reappropriated the unexpended balances of moneys appropriated by H. B. 97, Acts of the 51st Legislature, H. B. 190, Acts of the 52nd Legislature and H. B. 163, Acts of the 53rd Legislature.

Under Section 6 of Article 8, of the Constitution of Texas, no appropriation of money may be made by the Legislature for a longer term than two years and any unexpended balances of sums appropriated revert to the State at the end of each biennium in the absence of any specific appropriation. It is therefore our opinion that the unexpended balance of the moneys appropriated by H. B. 97, Acts of the 51st Legislature should continue to be reappropriated each biennium.

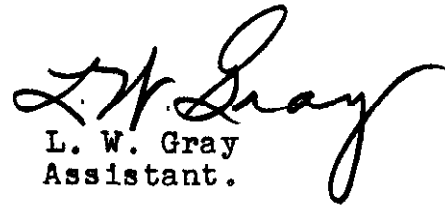
SUMMARY

Unexpended balances of moneys granted to soil conservation districts by the State Soil Conservation Board under the provisions of H. B. 97, Acts of the 51st Legislature, reverted to the General Fund at the end of the biennium and were not considered expended when warrants were issued and the funds withdrawn from the State Treasury for deposit in the local bank or banks of the several soil conservation districts. The unexpended balances of moneys appropriated by H. B. 97, Acts of the 51st Legislature, should continue to be reappropriated each biennium.

Very truly yours,

WILL WILSON  
Attorney General

By

  
L. W. Gray  
Assistant.

LWG:f

APPROVED:

OPINION COMMITTEE

By H. Grady Chandler,  
Chairman